

Response

Serial No.: 10/633,766
Confirmation No.: 5109
Filed: 4 August 2003

For: INTAKE DEVICE FOR USE WITH INTERNAL COMBUSTION ENGINES

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Remarks

The Office Action mailed 16 December 2004 has been received and reviewed. No claims have been amended, cancelled, or added. Therefore, the pending claims include claims 1-54 as presented in the "Second Preliminary Amendment" filed 22 December 2003. Reconsideration and withdrawal of the rejections are respectfully requested in view of the remarks provided herein.

Non-statutory Double-Patenting Rejection

Claims 1-54 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6,073,609. Submitted herewith is a Terminal Disclaimer which, Applicants submit, is in compliance with 37 CFR 1.321(c) and thereby obviates the Examiner's double patenting rejection of pending claims 1-54.

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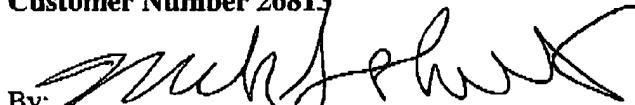
Summary

It is respectfully submitted that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
Buswell et al.

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29 Dec 2004
Date

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, Attn: Examiner Solis, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29th day of December, 2004, at 2:30pm (Central Time).

December 2004
By: Jacquelyn K. Torborg
Name: JACQUELYN K. TORBORG